

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 24**

ESS SUPPORT SERVICES WORLDWIDE, A
SUBSIDIARY OF COMPASS GROUP, USA,
INC.

Employer

Case 24-RC-8471

and

UNITED STEEL, PAPER AND FORESTRY,
RUBBER, MAUFACTURING, ENERGY, ALLIED
INDUSTRIAL AND SERVICE WORKERS
INTERNATIONAL UNION, AFL-CIO, CLC

Petitioner

SUPPLEMENTAL DECISION ON OBJECTIONS AND NOTICE OF HEARING

Pursuant to a Decision and Direction of Election executed by the Regional Director on August 5, 2005, an election by secret ballot was conducted on September 1, 2005, under the direction and supervision of the Regional Director among all full time and regular part time employees including cooks, laundry employees, housekeeping employees, kitchen helpers, bartenders, commissary clerks, warehouse specialists, warehouse delivery, assistant cooks and catering employees employed by the Employer at its facilities in Christiansted St. Croix, U.S.V.I.; excluding other employees, confidential employees, skilled maintenance employees, guards and supervisors as defined by the Act to determine whether or not said employees desired to be represented for the purpose of collective bargaining by the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CLC.

The tally of ballots, made available to the parties, revealed the following:

Approximate number of eligible voters	60
Void Ballots	0
Votes cast for Petitioner	12
Votes cast against Petitioner	31
Valid votes counted	43
Challenged ballots	11
Valid votes counted plus challenged ballots	54

Challenges are not sufficient in number to affect the results of the election. Accordingly, a majority of the valid votes counted plus the challenged ballots were cast against the Petitioner.

On September 9, 2005, the Petitioner filed timely objections to the election. Pursuant to the Decision and Direction of Election, and in conjunction with Section 102.69 of the Board's Rules and Regulations, the undersigned Regional Director caused an investigation to be made of the objections to the election and to conduct affecting the results of the election and now sets forth her findings, conclusions and recommendations with respect thereto.

THE OBJECTIONS

The Petitioner's objections¹ consist of 4 numbered paragraphs. Objections 1, 2, and 3 allege that the during the critical period the Employer unlawfully changed its eligibility requirements for the accrual and payment of employee vacation and sick leave and offered employees credit card and loans opportunities in order to induce them to vote against the Petitioner. Objection Number 4 alleges that the Employer provided an inaccurate list of eligible voters to the Petitioner.

In support of its objections 1, 2 and 3 the Petitioner submitted the names of three employees who would testify that the Employer promised and provided them with sick leave and vacation benefits during the critical period herein contrary to the Employer's

¹ The objections are attached hereto as "Exhibit"

policies. These same employees will purportedly also testify that during this same period the Employer offered employees the same credit card and loan opportunities that the Petitioner allegedly made to employees during its election campaign. With respect to Objection No. 4 the Petitioner offered the testimony of an employee who would testify that the Employer omitted the names and addresses of the cooks, a classification that was specifically found to be part of the bargaining unit in the Decision and Direction of Election issued by the undersigned Regional Director, as well as various other eligible voters thereby precluding the Petitioner from communicating with these potential voters before the election. As the investigation has revealed that the allegations contained in these objections raise substantial and material issues of law and fact and as such issues may best be resolved on the basis of a record developed at a hearing, a hearing shall be directed for such purposes.

RECOMMENDATION

Having recommended that Objections 1, 2, 3 and 4 raise substantial and material issues of fact which can be best resolved on the basis of record testimony,

IT IS HEREBY ORDERED, pursuant to Section 102.69 of the Board's Rules and Regulations, that a hearing be held before a duly designated Hearing Officer to resolve the issues raised by Objections 1, 2, 3 and 4.

IT IS FURTHER ORDERED that the designated Hearing Officer, at the conclusion of the hearing shall prepare and cause to be served on the parties a report containing the resolution of credibility of the witnesses, findings of fact, and recommendations to the Board as to the disposition of these objections.

IT IS FURTHER ORDERED that thereafter, this case be transferred to and continued before the Board in Washington, D.C. and that the provisions of Section

102.69 of the Board's Rules and Regulations, shall govern the filing of any exceptions to the Hearing Officer's Report.

NOTICE OF HEARING

YOU ARE HEREBY NOTIFIED that pursuant to Section 9(c) of the Act, a hearing will be conducted before a Hearing Officer of the National Labor Relations Board on **October 12, 2005**, at 10:00 a.m. and continuing on consecutive days thereafter until concluded, at the Almeric L. Christian Federal Building, 3013 Estate Golden Rock (Jury Assembly Room), Lot 13, Christiansted, St. Croix, United States Virgin Islands, with respect to the issues raised by the Employer's Objections No. 1 through 4 at which time and place the parties will have the right to appear in person, or otherwise, and give testimony².

Dated at San Juan, Puerto Rico, this of 28th day of September 2005.

Marta M. Figueroa
Regional Director
National Labor Relations Board
Region 24

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²Under the provisions of Section 102.69 of the Board's Rules and Regulations, exceptions to this report may be filed with the Board in Washington, D.C. Exceptions must be received by the Board in Washington by **October 12, 2005**.

Under the provisions of Section 102.69 (g) of the Board's rules, documentary evidence, including affidavits, which a party has timely submitted to the Regional Director in support of its objections or challenges and which are not included in the Report, are not part of the record before the Board unless appended to the exceptions or opposition thereto which the party files with the Board. Failure to append to the submission to the Board copies of evidence timely submitted to the Regional Director and not included in the report shall preclude a party from relying upon that evidence in any subsequent related unfair labor practice proceeding.